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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,282	12/16/2003	Walter J. Kulpa	F-748	6577
George M. Macdonald Pitney Bowes Inc. 35 Waterview Drive P.O. Box 3000 Shelton, CT 06484			EXAMINER HSIEH, SHIH WEN	
			ART UNIT 2861	PAPER NUMBER

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/737,282

Applicant(s)

KULPA, WALTER J.

Examiner

Shih-wen Hsieh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-17, 19-25 and 27 is/are rejected.
- 7) ☒ Claim(s) 8, 18 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5-16-05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 11-16 and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawicki (US Pat. No. 6,267,465).

In regard to:

Claim 1:

Sawicki teaches:

A postage meter comprising:

a print head (12, fig. 1), refer to col. 2, lines 54-55;

a purge unit (1000, fig. 1) for removing ink from the print head, refer to col. 3, lines 19-26; and

an ink tray assembly (200, figs. 1 and 5) for receiving ink removed from the print head by the purge unit, refer to col. 3, lines 19-26 and lines 44-49;

wherein the ink tray Assembly includes:

a tray having an opening, refer to fig. 5, the top portion in fig. 5 is the opening, where a top cover (not shown, refer to col. 4, line 36+) is to be placed; and

a cover membrane (refer to col. 4, line 36, Sawicki called it a top cover) across the opening of the tray.

Please note:

All of the subject matters recited in this claim belong to an ink jet printer. In general, a postage meter uses this ink jet printer to print indicia on mail pieces. Therefore, an ink jet printer used in a postage meter is one of the intended uses of the ink jet printer. Actually, the preamble of "An ink jet printer or printing apparatus for a postage meter comprising:" is more appropriate.

Claim 2:

Sawicki further teaches:

wherein the ink tray assembly also includes:

an absorbent pad (100, fig. 4) held in the tray under the cover membrane, refer to col. 3, lines 50-62.

Claim 3:

Sawicki further teaches:

a hole in the cover membrane for sealing to a port of the purge unit. Refer to figs. 1 and 5. In fig. 5, the sleeve (130) is connected to tube (75, fig. 1) through the cover (col. 4, lines 35-38). Therefore, there should be a hole in the cover to allow the sleeve extended there through so as to connect to the tube (75). And per fig. 1, an outlet of the tube (75) is the port of the maintenance unit (corresponding to the purge unit of the instant application, because purging is one of the functions that a maintenance unit does), and is sealing connected to the sleeve (130).

Claim 4:

Sawicki further teaches:

wherein the absorbent pad has a channel (112, figs. 2 and 4) therein positioned in alignment with the hole in the cover membrane.

Claim 5:

Sawicki further teaches:

wherein the tray includes a post (130, fig. 4, Sawicki called it a sleeve) extending upwardly from a floor (126, fig. 3) of the tray and engaged by the channel in the absorbent pad, refer to col. 4, lines 24-28.

Claim 6:

The postage meter according to claim 1, further comprising a hole in the cover membrane for sealing to a port of the purge unit.

Rejection:

This claim equivalent to claim 3, and is rejected on the basis as set forth for claim 3 discussed above.

Claim 11:

A postage meter comprising:

a print head;

a purge unit for removing ink from the print head; and

an ink tray assembly for receiving ink removed from the print head by the purge unit;

wherein the ink tray assembly includes:

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a tray; and

barrier means, bonded to a rim of the tray, for substantially preventing waste ink from exiting the tray upon tipping of the tray.

Rejection:

This claim is rejected on the basis as set forth for claim 1 discussed above. The barrier means in this claim is the cover membrane, because it forms a barrier between the tray and the environment. The rim of the tray in this claim can be seen in Sawicki's fig. 5., which is not numbered.

Claim 12:

The postage meter according to claim 11, wherein the barrier means includes a membrane that substantially closes an opening of the tray.

Rejection:

This claim is rejected on the basis as set forth for claim 1 discussed above.

Claim 13:

The postage meter according to claim 12, wherein the ink tray assembly also includes:

an absorbent pad held in the tray under the membrane.

Rejection:

This claim is rejected on the basis as set forth for claim 2 discussed above.

Claim 14:

The postage meter according to claim 13, further comprising a hole in the membrane for sealing to a port of the purge unit.

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Rejection:

This claim is rejected on the basis as set forth for claim 3 discussed above.

Claim 15:

The postage meter according to claim 14, wherein the absorbent pad has a channel therein positioned in alignment with the hole in the membrane.

Rejection:

This claim is rejected on the basis as set forth for claim 4 discussed above.

Claim 16:

The postage meter according to claim 15, wherein the tray includes a post extending upwardly from a floor of the tray and engaged by the channel in the absorbent pad.

Rejection:

This claim is rejected on the basis as set forth for claim 5 discussed above.

Claim 20:

A waste ink tray assembly for use in a postage meter, the assembly comprising:
a tray;
an absorbent pad held in the tray; and
barrier means, bonded to a rim of the tray, for substantially preventing waste ink from exiting the tray upon tipping of the tray.

Rejection:

This claim is rejected on the basis as set forth for claims 11 and 13 discussed above.

Claim 21:

The waste ink tray assembly according to claim 20, wherein the barrier means includes a membrane that substantially closes an opening of the tray.

Rejection:

This claim is rejected on the basis as set forth for claim 1 discussed above.

Claim 22:

The waste ink tray assembly according to claim 21, further comprising a hole in the membrane for sealing to a port of a waste ink purge unit.

Rejection:

This claim is rejected on the basis as set forth for claims 3 and 14 discussed above.

Claim 23:

The waste ink tray assembly according to claim 22, wherein the absorbent pad has a channel therein positioned in alignment with the hole in the membrane.

Rejection:

This claim is rejected on the basis as set forth for claims 4 and 15 discussed above.

Claim 24:

The waste ink tray assembly according to claim 23, wherein the tray includes a post extending upwardly from a floor of the tray and engaged by the channel in the absorbent pad.

Rejection:

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This claim is rejected on the basis as set forth for claims 5 and 16 discussed above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawicki.

In regard to:

Claim 7:

The device of Sawicki DIFFERS from claim 7 in that it does not teach:

wherein the cover membrane includes at least one of polypropylene and polyethylene.

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to select a known material for the material of the pad such as the selected material includes of polypropylene and polyethylene, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use, refer to MPEP 2144.07.

Claim 17:

The postage meter according to claim 12, wherein the membrane includes at least one of polypropylene and polyethylene.

Rejection:

This claim is rejected on the basis as set forth for claim 7 discussed above.

Claim 25:

The waste ink tray assembly according to claim 21, wherein the membrane includes at least one of polypropylene and polyethylene.

Rejection:

This claim is rejected on the basis as set forth for claims 7 and 17 discussed above.

5. Claims 9, 10, 19 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawicki in view of Becker et al. (US pat. No. 5,984,450).

In regard to:

Claim 9:

The device of Sawicki DIFFERS from claim 9 in that it does not teach:
wherein the cover membrane is of a material adapted to allow vapor to pass through the material and to substantially prevent waste ink from passing through the material.

It is known in the art that the above mentioned material is called a gas-permeable member, which allow gas/air/vapor to pass, while preventing liquid from passing

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through. Nevertheless, Becker et al. teach in their fig. 6 filters (82, 84, 86, and 88), which are inserted into central apertures (90, 92, 94 and 96, fig. 4) in capper (62, 64, 66, and 68, fig. 6) respectively. These filters are made in a material, which allows air to pass, while preventing liquid (and in Becker et al.'s case, the ink) from passing. So, whenever any one or all of the print head/s require/s priming, i.e., ink contained in the ink chamber of the nozzles is depleted, and requires ink to fill up to the tip of the nozzle so as to be in a ready state for ejecting ink, once a printing command is received, a suction device is abutted with the nozzle face to draw only air out of the nozzle, while ink is filled up to the tip of the nozzle, refer to col. 4, lines 44-55. This character of the filters (82, 84, 86 and 88) is the gas permeable character, which allows air/gas/vaper to pass, while preventing liquid from passing.

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device of Sawicki to use the filter material as taught by Becker et al. as the material of the cover membrane of the instant application for the purpose of discharged ink can only be received by the sleeve (130), and any other ink, e.g., splashed onto the surface of the cover membrane are not absorbed by the membrane.

Claim 10:

The postage meter according to claim 9, wherein the material includes at least one of polypropylene and polyethylene.

Rejection:

This claim is rejected on the basis as set forth for claim 7 discussed above.

Claim 19:

The postage meter according to claim 11, wherein the barrier means includes a material adapted to allow vapor to pass through the material.

Rejection:

This claim is rejected on the basis as set forth for claim 9 discussed above.

Claim 27:

The waste ink tray assembly according to claim 20, wherein the barrier means includes a material adapted to allow vapor to pass through the material.

Rejection:

This claim is rejected on the basis as set forth for claims 9 and 19 discussed above.

Allowable Subject Matter

6. Claims 7, 18 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the allowance of claims 8, 18 and 26 is the inclusion of the limitation of wherein the cover membrane is formed at least in part as a bellows. It is

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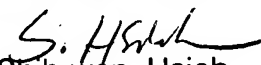
this limitation found in each of the claims, as they are claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-wen Hsieh whose telephone number is 571-272-2256. The examiner can normally be reached on 7:30AM -5:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Talbott can be reached on 571-272-1934. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SHIH-WEN HSIEH
PRIMARY EXAMINER


Shih-wen Hsieh
Primary Examiner
Art Unit 2861

SWH


Sept., 29, 2005